

**Plaintiff's Response in
Opposition to Defendants'
Emergency Motion to Inspect
Property of Plaintiff:**

Exhibit E

Subject: Re: Konnech v. True the Vote
Date: 12/5/2022 1:19 PM
From: "Cameron Powell" <cpowell@gwafirm.com>
To: "Nathan W. Richardson" <NRichardson@kasowitz.com>, "Michael Wynne" <mwynne@gcfirm.com>
Cc: "Dean Pamphilis" <DPamphilis@kasowitz.com>

Hi Nathan,

We located the screenshot shortly before you sent your email, thank you. We were also able to connect with one of our clients.

We would oppose Konnech's motion on several grounds. Among other things, we continue to maintain that Konnech has failed to state any plausible claim of access to its own computers, and that the information Konnech seeks is, as the Court of Appeals made clear, sought prematurely, and should be sought in proper discovery. Accordingly, we would view the motion as frivolous. Regarding the .ODS file you reference (if it was ever an actual ODS file, see below), the following is our understanding:

1. The file was not created by our clients or anyone associated with them.
2. The file came from a suspicious source, via Telegram, who remained anonymous and made threats against Gregg Phillips if he did not do something with the file. (It's unclear as of this writing whether the phrasing was "do something with" or "open" the file).
3. The broader context of the file's transmission to our clients gave them no reason to believe it had anything to do with Konnech. Of course, Konnech also lacks any plausible basis to believe that the document had anything to do with Konnech, including with PII belonging to it or its customers.
4. Our clients reported the threats and the existence of the file to the FBI, and informed the FBI that they had not opened the file.
5. Our clients have no knowledge as to whether the FBI possesses the document.
6. Our clients never attempted to open the document, in part because they feared it could contain malware.
7. Our clients closed down the Telegram account through which the file came. It does not appear they have any access to an ODS file. When they attempt to forward it, all they see is a PNG image file.

Sincerely,

Cameron

From: Nathan W. Richardson <NRichardson@kasowitz.com>
Date: Monday, December 5, 2022 at 10:08 AM
To: Cameron Powell <cpowell@gwafirm.com>, Michael Wynne <mwynne@gcfirm.com>
Cc: Dean Pamphilis <DPamphilis@kasowitz.com>
Subject: RE: Konnech v. True the Vote

Cameron – The grounds for the motion is your clients' continued refusal to provide the information required under sections 3, 6 and 7 of the Preliminary Injunction (which are the same as sections 5, 6 and 7 of the TRO) and, furthermore, based on the text messages submitted to the Court in attempt to purge their contempt, your clients are also in violation of section 4 of the preliminary injunction as they apparently possess a spreadsheet

of personal identifying information. We are happy to discuss on the phone if you need more information before telling us if you are opposed to our motion for contempt based on a Preliminary Injunction you have already moved to dissolve. Thanks.

From: Cameron Powell <cpowell@gwafirm.com>
Sent: Monday, December 5, 2022 9:42 AM
To: Nathan W. Richardson <NRichardson@kasowitz.com>; Michael Wynne <mwynne@gcfirm.com>
Cc: Dean Pamphilis <DPamphilis@kasowitz.com>
Subject: Re: Konnech v. True the Vote

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Hi Nathan,

I've conferred with Michael about your request. We will need to see your motion and its grounds in order to have any position on it.

Thanks,

Cameron

CAMERON POWELL

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From: Nathan W. Richardson <NRichardson@kasowitz.com>
Date: Monday, December 5, 2022 at 8:44 AM
To: Michael Wynne <mwynne@gcfirm.com>

Cc: Cameron Powell <cpowell@gwafirm.com>, Dean Pamphilis <DPamphilis@kasowitz.com>

Subject: Konnech v. True the Vote

Michael – We are writing to confer on a Motion to Show Cause and for Contempt that we intend to file concerning your clients' violation of the preliminary injunction and orders from the bench. Please confirm by 3:00 PM whether your clients are opposed. Thank you.

Nathan W. Richardson
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